



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Administrator's FY 97 Performance
Agreement - Additional Information on Request for
Environmental Performance Data

Date: SEP 19 1997

From: Director, Office of Environment and Planning

Reply to
Attn. of: HEP-40

To: Regional Administrators
Federal Lands Highway Program Administrator

The Administrator's FY 97 Performance Agreement requires us to gauge our progress on several environmental performance measures and milestones. On June 26, I issued a memorandum requesting performance data on two environmental measures. We requested data on the percentage of nonattainment and maintenance areas which meet their mobile source emissions budgets and the goal of no-net-loss of wetlands on Federal-aid projects on a regional basis. This request was in support of the air quality and wetland performance measures of Goal 5 (Actively Enhance Our Environment Through Wise Transportation Decisions) of the Performance Agreement. The data we requested for the air quality performance measure reflects conformity activities as of July 1 in each region. On the wetland no-net-loss measure, we requested information that provides the total wetland acreage directly impacted by, and the total mitigation acreage implemented on completed Federal-aid projects since October 1, 1996, in each region.

I appreciate the assistance and cooperation of the regions in responding to my request. In doing so, several offices have raised questions concerning future data collection schedules and the scope of information needed to satisfy our request. The attached list of questions and answers provides clarification on these concerns.

Please direct any comments or questions you may have on this information to the following members of my staff. Ms. Cecilia Ho, who can be reached at (202) 366-9862, Mr. Fred Bank at (202) 366-5004, and Mr. Paul Garrett at (303) 969-5772 ext. 332.

Kevin E. Heanue

Attachment

FHWA:HEP-40:FBank:nb:65004:9/17/97

Revised:9/18/97

Disk:Fred's, File name:97prfpln.mem

cc: HPD-1, HEP-1, HEP-40, HEP-30, AQPT,
AQTT, NT, NCRT(FBank), NCRT(2Files)

Questions and Answers Concerning the Reporting of Air Quality Emissions and Wetland No-Net-Loss Data

Q. Will the request for data be an annual occurrence?

A. **Yes.** The elements of the Administrator's Performance Measures requiring the collection of conformity and wetland no-net-loss data have appeared in the FY 96 and FY 97 Plans and will be continued at least through FY 99. Both the conformity and wetland information reflect national and Clinton Administration priorities upon which, in part, the program performance of the FHWA is measured and evaluated. This assessment is important internally and to our external customers, as well. So, we conclude that information on these subjects will be an annual requirement to help satisfy our environmental responsibilities. Accordingly, the divisions and States should be advised of this determination so that they may prepare for the data collection requirement well in advance.

Q. In reporting the wetlands data, what is considered a "completed project?"

A. We are reporting wetland impacts and mitigation on an annual basis, but Federal-aid projects often span several years. Actual wetland impacts and the project mitigation work may also occur over an extended period. We want to avoid reporting partial data multiple times over the life of an extended project. **We therefore must choose some point after the letting of a Federal-aid project when we can confidently determine the total acreage of wetlands impacted and the total mitigation acreage. We will call this the point at which a project is "complete" for the purposes of reporting the wetlands data.** In other words, when we know with certainty, 1) the total acres of directly impacted wetlands; and 2) the total acres of mitigation provided. We may have this information early or late during the life of a project; however, the fiscal year in which it becomes known is the year the data should be reported.

Q. Should upland buffer zones and other non-wetland areas often included as part of a successful mitigation project be reported in the acreage data?

A. **No.** Although upland buffers are oftentimes critical to the success of many wetland mitigation efforts and the inclusion of these areas in mitigation plans is certainly encouraged, they are nevertheless not wetlands and should not be reported as such.

Q. How will the use of wetland banks be treated in reporting the data?

A. The long-term nature of a wetland banking arrangement has the potential of complicating the reporting of mitigation acreage. Questions may arise concerning the most appropriate time to report mitigation credits established in the bank. Is it at the time the bank is begun and for the total acres of credit in the bank? Should yearly credit/debit

reported? **We believe the simplest method is to report the credits used from a bank as they are debited to mitigate for the impacts reported each year.** For example, if a bank is established with 100 acres of mitigation credit, the entire 100 acres are not immediately reported as mitigation. Instead, as the acres are used from the bank, the annual report includes acres debited within each year as mitigation data. Eventually, the entire initial credit balance will have been reported.

There may be infrequent cases after the opening of a bank where all of the acreage provided is either intentionally not available as credit against impacts or just simply not used. **In these cases, the unused acreage should be reported as mitigation data for the fiscal year in which that amount is determined.**